

Corrected Opinion Filed 8/17/21 by Clerk of the Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 115

In the Interest of K.C. III, a child

State of North Dakota,

Petitioner and Appellee

v.

T.A., Mother,

Respondent and Appellant

and

K.C. II, Father,

Respondent

No. 20210122

In the Interest of E.C., a child

State of North Dakota,

Petitioner and Appellee

v.

T.A., Mother,

Respondent and Appellant

and

K.C. II, Father,

Respondent

No. 20210123

In the Interest of H.A., a child

State of North Dakota,

Petitioner and Appellee

v.

T.A., Mother,

Respondent and Appellant

and

K.C. II, Father,

Respondent

No. 20210124

Appeal from the Juvenile Court of Ramsey County, Northeast Judicial District,
the Honorable Lonnie Olson, Judge.

AFFIRMED.

Per Curiam.

Maren H. Halbach, Assistant State's Attorney, Devils Lake, ND, for petitioner
and appellee; submitted on brief.

Ulysses S. Jones, Devils Lake, ND, for respondent and appellant T.A;
submitted on brief.

Interest of K.C. III, E.C., and H.A.
Nos. 20210122-20210124

Per Curiam.

[¶1] T.A. appealed from a juvenile court's findings of fact and orders terminating her parental rights to K.C. III, E.C., and H.A. On appeal, T.A. argues the court abused its discretion when it denied a continuance and held a hearing without the presence of the father, K.C. II. Additionally, T.A. argues the court erred when it found the State met its burden of proof for the terminations.

[¶2] We conclude the juvenile court did not abuse its discretion by denying T.A.'s request for a continuance due to K.C. II's absence at the hearing. *See Interest of A.P.D.S.P.-G.*, 2020 ND 72, ¶ 8, 940 N.W.2d 602 (holding a court did not have a duty to ensure a parent appeared for a termination proceeding). The State's evidence was sufficient to prove by clear and convincing evidence the children are deprived, the conditions and causes of the deprivation are likely to continue, and the children are suffering, or will in the future probably suffer, serious physical, mental, moral, or emotional harm as required for the termination of parental rights under N.D.C.C. § 27-20-44(1)(c). The State's evidence was also sufficient to prove beyond a reasonable doubt that the continued custody of the children by T.A. is likely to result in serious emotional or physical damage to the children under the Indian Child Welfare Act, 25 U.S.C. § 1912(f). We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4).

[¶3] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Lisa Fair McEvers
Jerod E. Tufte
William A. Neumann, S.J.

[¶4] The Honorable William Neumann, S.J., sitting in place of Crothers, J., disqualified.